

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ Petition No.2432 of 2006

Dr.Shrikant Bhoyar

Petitioner

Vs.

Dr.Smt.Sarita Shrikant Bhoyar & anr. Respondents

Mrs.Madhavi Deshpande i/b. Mr.Manish Upadhye for
petitioner.

Mr.S.P.Thorat for resp.no.1.

Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 13, 2007.

P.C.

. Heard the learned counsel for the respective parties. The petitioner-husband has moved this petition for quashing the proceedings in Criminal Case No.573/PW/2006 filed by the respondent - wife under Section 498-A of IPC before the learned Metropolitan Magistrate, 26th Court, Borivli.

. The matrimonial disputes between the parties were settled amicably by Consent Terms and parties had signed the Consent Terms before this Court on 20th September 2006 and based on the said Consent Terms the petitioner-husband is praying for quashing

of the said case.

. Mr.Thorat, the learned counsel appearing for the respondent-wife referred to the Consent Terms and the undertaking by the petitioner-husband that the balance sheet of the partnership firm M/s. Vishwanath Hospital for the accounting period 1/4/2004 to 31/10/2006 will be drawn and submitted to the Income Tax Authorities through the firm's chartered accountant. The petitioner-husband stated that the same has been complied with and the return has been submitted. While Mr.Thorat stated that for the period upto 31/10/2006 it would be the husband who shall be responsible for payment of tax arrears, if any. Even in the Consent Terms itself such a provision has been made and it is the husband who shall be responsible for any financial liability during the period from 1/4/2004 to 31/10/2006 and till taking over possession of the hospital.

. Hence this is a fit case to bring to an end the matrimonial disputes between the petitioner and the respondent no.1 who have agreed to be separated as per the Consent Terms, by quashing the pending criminal case by following the law laid down in the

case of B.S. Joshi and ors. Vs. State of Haryana
and anr. **[2003 SCC (Cri) 848]**.

. Hence the petition is allowed in terms of
prayer clause (b)

(B.H.MARL